United Nations A/70/167

General Assembly

Distr.: General
22 July 2015

Original: English

Seventieth session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and cultural diversity

Report of the Secretary-General

Summary

The present report is submitted to the General Assembly pursuant to its resolution 68/159 on human rights and cultural diversity. In paragraph 22 of that resolution, the Assembly requested the Secretary-General to prepare a report on the implementation of the resolution, including efforts undertaken at the national, regional and international levels regarding the recognition and importance of cultural diversity among all peoples and nations in the world and taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations. The Secretary-General was requested to submit the report to the Assembly at its seventieth session.

Following the General Assembly's request, the Office of the United Nations High Commissioner for Human Rights invited States and United Nations agencies to submit written information on efforts undertaken in this regard and informally consulted with non-governmental organizations. The present report provides a summary of the information received. The submissions from Governments focus on measures to promote cultural diversity and to protect the cultural rights of national minorities.

* A/70/150.

15-12346 (E) 280815

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I. Introduction

1. On 18 December 2013, the General Assembly adopted resolution 68/159 on human rights and cultural diversity. In paragraph 22 of that resolution, the Assembly requested the Secretary-General to prepare a report on the implementation of the resolution, including efforts undertaken at the national, regional and international levels regarding the recognition and importance of cultural diversity among all peoples and nations in the world and taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, and to submit the report to the Assembly at its seventieth session. The Office of the United Nations High Commissioner for Human Rights (OHCHR) requested submissions from States and relevant organizations on the efforts undertaken;. as at 2 July 2015, 13 replies had been received from States, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had submitted a response. The present report contains a summary of the submissions received.

II. Summary of information received from Governments

Argentina

2. Argentina described its efforts to incorporate gender and intercultural perspectives into its human rights agenda in order, among other objectives, to ensure equality of opportunity and treatment. The National Statute on Education 26.206, the National Statute on Audiovisual Communication Services 26.552 and Statute 26.994 adopting a new Civil and Commercial Code all aim at advancing intercultural development. It is noteworthy that the participation of indigenous peoples in the drafting and approval of these laws was ensured throughout.

3. Through a constitutional amendment in 1994, the rights of indigenous peoples were recognized at the national and provincial levels. Since 2003, the Government has promoted intercultural dialogue with indigenous peoples with a view to enabling the collaborative development of public policies. The National Council for Indigenous Participation was established in 2004 in order to ensure the effective participation of indigenous people in the design and implementation of public policies.

4. As stipulated in National Statute 26.160 and other laws, the National Institute of Indigenous Affairs conducted a mapping exercise of indigenous communities in Argentina, which identified 647 such communities. The Government considers this mapping of indigenous communities a necessary step towards guaranteeing their rights to land and territory. In addition, a Community Strengthening Programme makes legal aid services available, with a view to strengthening community organization and building the capacity of indigenous communities to develop strategies that will enable them to successfully claim indigenous territories. Furthermore, Statute 26.160 has helped to prevent the eviction of a number of indigenous communities, and its judicial application has generated a rich body of jurisprudence on indigenous land issues.

5. The submission also provided information on national efforts to recognize and promote Afro-Argentine culture, including through the adoption of a National Plan

on Discrimination, the institution of a national day to celebrate the Afro-Argentine, and the issue of two publications on Afro-Argentine culture and human rights.

Armenia

6. In its submission, Armenia focused on one of its policy priorities, namely promoting the preservation, dissemination and development of the cultural heritage of national minorities. It described initiatives to promote cultural diversity, including a web portal with a separate web page on the culture of national minorities residing in the country, on national and regional programmes and on legislation and international instruments relating to the cultural rights of national minorities.

7. The budget of the Ministry of Culture provides, every year, for a number of cultural events relevant to national minorities. The Ministry collaborates with associations and non-governmental organizations representing national minorities and assists in the organization of exhibitions, concerts and other cultural events. Regular meetings and consultations are held with the representatives of associations for national minorities at which joint activities, major cultural challenges affecting national minorities and proposals for improving the legislative framework are discussed.

8. For the purpose of supporting the cultural life of national minorities, a number of initiatives were launched between 2011 and 2012, including a procession themed "Armenia is my home", the making of a film entitled "Assyrians in Armenia" and a concert to commemorate the tenth anniversary of the Coordinating Council for National and Cultural Organizations of National Minorities. Armenia's submission further noted that all historical, architectural, cultural and religious buildings are under the protection of the Government, irrespective of their ethnic or religious association, with the partial reconstruction of the Jewish settlement and the area around the Yeghegis cemetery.

9. With regard to literature and journalism, various minority communities have published non-fiction books concerning their communities, and the works of leading Kurdish, Yezidi, Assyrian, Russian and other ethnic minority language writers have been and are still included in the collections of the national authors' club known as the "Literary Armavir". An extensive collection of books in Greek, Kurdish, Russian and other ethnic minority languages is kept and used in the National Library and other educational institutions.

Azerbaijan

10. Azerbaijan emphasized its enhanced ability to promote cultural diversity and intercultural dialogue by virtue of its membership of both European and Islamic organizations. Intercultural and interfaith dialogue has become a foreign policy priority, and Azerbaijan has played a leading role in various international initiatives and events. From 18 to 20 May 2015, Azerbaijan hosted the third World Forum on Intercultural Dialogue in cooperation with UNESCO, the United Nations Alliance of Civilizations, the World Tourism Organization, the Council of Europe and the Islamic Scientific, Educational and Cultural Organization. The Forum addressed key issues such as soft power and diversity in the modern age, the role of religious

leaders in countering violent extremism and promoting religious pluralism, engaging youth in intercultural dialogue and the responsibilities of Governments and international organizations in building trust between cultures.

11. Azerbaijan cooperates with the United Nations Alliance of Civilizations and is a member of its Group of Friends. The proposal of the Government of Azerbaijan to host the seventh United Nations Alliance of Civilizations Global Forum in Baku in 2016 has been endorsed by the Ministerial Meeting of the United Nations Alliance of Civilizations Group of Friends. In addition, Azerbaijan supports intercultural dialogue within the Council of Europe, and it identified the strengthening of culturally diverse societies, on the basis of mutual respect and understanding, as one of its four priorities during its chairmanship of the Committee of Ministers, from May to November 2014. Thus, Azerbaijan hosted the First Platform Exchange on Culture and Digitization (2014), the exchange on the religious dimension of intercultural dialogue (2014) and the Celebrating European Heritage Days event (2014).

Bosnia and Herzegovina

12. The response of Bosnia and Herzegovina underscored its religious, ethnic and cultural plurality and its commitment to maintaining that diverse make-up, noting that strengthening multicultural dialogue is an important tool for fostering tolerance as well as unity in diversity.

13. The Commission for the Preservation of the National Monuments, established under the General Framework Agreement for Peace in Bosnia and Herzegovina, is responsible for the protection of national monuments, an authority it exercises through criminal proceedings in cases involving illegal or substandard construction work and poor maintenance of national monuments. The destruction of or damage to objects of cultural heritage is an offence under the penal codes of Bosnia, the Federation of Bosnia and Herzegovina, the Republic of Srpska and Breko District.

14. The submission also referred to an initiative jointly implemented by UNESCO, the United Nations Children's Fund and the United Nations Development Programme (and funded under the Culture and Development window of the Millennium Development Goals Achievement Fund), which produced a compendium of translations of all international conventions relating to the protection of cultural heritage. In addition, the Interfaith Council of Bosnia and Herzegovina published a glossary of religious terms.

15. The reconstruction of many of the historical and religious monuments destroyed during the conflict between 1992 and 1995 has been completed or is under way, including the Old Bridge in Mostar, the Ferhadija Mosque in Banja Luka, Zitomislici Monastery, Bascarsija (the old town of Sarajevo) and Piehan Convent.

Cuba

16. In its submission, Cuba characterized neo-liberal globalization, together with unequal access to information and the presumption of cultural hegemony by developed countries, as serious threats to the realization of cultural rights, the

preservation of cultural identities and cultural diversity. It noted that the market alone could not guarantee the preservation and promotion of cultural identities, and it stressed the overall importance of public policies over private sector interests.

17. In Cuba, the State promotes education, culture and science in all their forms and guarantees freedom of artistic creation and the defence of Cuban cultural identity. In addition, the Government ensures the preservation of Cuban cultural heritage, the artistic and historical patrimony of the nation and the protection of national monuments, taking into account local traditions and universal values. Cuba has consistently championed a culture without chauvinism, xenophobia or ideological prejudices. It has prioritized the protection of the living heritage and promoted universal culture, together with a strong defence of the national cultural identity, including the preservation of people's access to their universal heritage.

18. Cuba reiterated its commitment to supporting the efforts of the United Nations system, including UNESCO, to preserve and promote the cultural diversity of all peoples and nations. It affirmed that strengthening multilateralism is essential for the promotion and protection of cultural diversity.

Guatemala

19. The Constitution of Guatemala recognizes the right to culture and cultural identity and provides for the protection of culture, cultural heritage, art, folklore and traditional crafts. With approximately 40 per cent of its population belonging to Mayan, Garifuna or Xinka ethnic and cultural minorities and 24 languages being spoken in the country, Guatemala has established institutions and developed policies, legislation and programmes aimed at meeting the aspirations of its people. In particular, a large number of institutions (including the Academy of Mayan Languages of Guatemala, the Guatemalan Fund for Indigenous Development and the National Council for the Implementation of the Peace Accords) work to promote respect for cultural diversity in many areas, including language, education, health and religion, with a focus on indigenous peoples.

20. With regard to public policy, a national policy on coexistence and the elimination of racism and racial discrimination seeks to ensure the existence of a pluralist State in which indigenous people are recognized as citizens with equal rights and are not subjected to discrimination or economic exclusion. A national policy on the advancement and integral development of women and the Equal Opportunities Plan (2008-2023) promotes the development of indigenous Mayan, Garifuna, Xinka and Mestizo women in all aspects of their economic, social, cultural and political life.

21. The Law on the Protection of the Cultural Heritage of the Nation, the National Education Law providing for bilingual education in areas where the indigenous population predominates, and the National Language Law, which facilitates access to public services in the language of each linguistic community, are examples of legislative measures to promote cultural diversity. In the area of education, these measures are supported by programmes developed by the Ministry of Education, one of which focuses on educational and teacher training materials in national languages.

Kazakhstan

22. Kazakhstan noted in its submission that it had not experienced religious conflicts despite the coexistence of 18 different denominations, traditions and cultures. The strong relationships between ethnic groups in Kazakhstan and the space afforded to them have enriched the culture. Each ethnic group has the right to form its own cultural centres and Sunday schools, which contribute to the revival and development of languages, cultures, traditions and customs. To date, the country has 900 ethnic and cultural associations and 190 Sunday schools. It also noted that, as a constitutionally secular, democratic State, and in its capacity as a member of the Human Rights Council, Kazakhstan works closely with international organizations in the implementation and protection of human rights.

23. With the objective of amending the legal framework, a new law regulating religious activities and the functioning of religious associations was promulgated in October 2011. Since 2003, the Congress of Leaders of World and Traditional Religions, hosted by Kazakhstan in its capital city, has taken place every three years as part of efforts to preserve and strengthen interreligious harmony and freedom of religion. The State is also taking proactive measures to identify and eliminate any violations of the law in this area, including through remedial measures.

24. Kazakhstan affirmed its commitment to religious plurality and to respecting the human rights and freedoms of all citizens irrespective of their religious affiliation, including freedom of conscience and religion.

Mauritius

25. In its submission, Mauritius noted that, with a view to facilitating intercultural exchange between communities resident in Mauritius, the Government has organized a number of celebrations, including the Spring Festival, Eid al-Fitr, Divali and Christmas annually, with each community having a public holiday for its respective festival. Assistance is provided to cultural organizations in holding cultural events during Maha Shivaratri, Kavadi, Varusha Pirappu, Divali and Christmas.

26. The main objectives of the Ministry of Culture are, among other things, to foster societal harmony (by consolidating pluralism, promoting creativity and celebrating cultural values), to preserve and foster cultural values, to promote cultural interaction and to encourage the development of a dynamic artistic and cultural sector. In relation to language, the Ministry of Culture organizes national drama competitions in 10 languages, featuring approximately 130 clubs and 1,500 artists. The cultural centres maintain trust funds that support the promotion and preservation of languages in their written and oral forms while encouraging linguistic development.

27. Mauritius has concluded agreements on cultural exchange which seek to build cultural ties with other countries, and the visits made by artists, resource persons and experts as a result of these agreements help to strengthen shared cultural ties and heritage.

Mexico

28. The response of Mexico highlighted the priority given to preserving and promoting indigenous cultures through numerous policies and programmes. Among the country's 15.7 million indigenous inhabitants, there are 68 indigenous groups and a corresponding number of indigenous languages listed in the Languages Catalogue of the National Institute of Indigenous Languages. The number of indigenous language speakers is 6.6 million, the most commonly spoken languages being Nahuatl, Maya, Zapotec, Mixtec and Otomi. As indicated in Mexico's submission, many indigenous languages are at risk of extinction.

29. The National Commission for the Development of Indigenous Peoples has formulated a special programme for indigenous peoples (2014-2018), which aims at improving the living conditions of the indigenous population and providing access to higher-quality education, health, housing and basic infrastructure. Government policy on the protection of indigenous peoples consists of several strategic pillars, namely indigenous people's rights, including access to justice, social and economic development, participation in indigenous society and the preservation and promotion of indigenous culture as part of the national heritage.

30. In 2014, the Secretariat for Public Education and the National Institute of Indigenous Languages took a number of measures to promote bilingual education, including the publication of materials in different languages. At the institutional and programmatic levels, the National Council for Culture and the Arts, the National Institute of Fine Arts, the Ibero-American General Secretariat and the Intangible Cultural Heritage and Cultural Diversity Programme help to promote cultural diversity by encouraging the staging of exhibitions and other events accessible to the public and through intercultural and international artistic exchanges, cinematography, literature, festivals, music, radio, the facilitation of indigenous artistic expression and the safeguarding of cultural sites.

Saudi Arabia

31. The submission of Saudi Arabia provided information on activities conducted to promote cultural diversity locally, regionally and internationally. The objective of these activities is to protect the culture of Saudi society and its authentic values and to encourage greater appreciation for other cultures. One example is the annual National Festival on Heritage and Culture, which showcases national heritage alongside modern culture, an important theme being the preservation of national heritage. There are also a number of cultural and artistic associations, such as the Saudi Arabia Association for Culture and Arts (established in 1975), the Association of Decorative Arts, the Association of Saudi Theatre Actors and the nationwide literary clubs.

32. With a view to promoting dialogue between peoples of different religions and cultures, several conferences have been organized, including the Geneva Conference convened by the Organization of Islamic Cooperation (OIC) in September 2009, which led to the creation of the King Abdallah Centre for Dialogue between Religions in Vienna in November 2012. The Centre aims at fostering mutual understanding, peaceful coexistence and tolerance among peoples through dialogue in which the differences between religions and cultures are viewed as a vehicle for

mutual understanding rather than confrontation. Saudi Arabia also hosted the fourth extraordinary session of the Islamic Summit Conference, on Islamic solidarity, in August 2012. The Summit made recommendations on the development of educational curricula that would integrate authentic Islamic values on mutual understanding, tolerance and dialogue, combating extremism on religious pretexts and promoting moderation. OIC held its fifth session under the theme "The Istanbul Process: from adoption to implementation" and discussed how to ensure the implementation of Human Rights Council resolution 16/18 entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief".

33. The submission referred to article 8 of the Basic Law of Governance (Al-Nidham al-Assassiy Lil-Hukm), which provides that the Kingdom of Saudi Arabia is founded on justice, *shura* (consultation) and equality in accordance with Islamic Sharia. Article 39 of the Information Policy Document issued by ministerial decision on 9 September 1982 confirms that freedom of expression in the media is guaranteed, provided that Islamic and national values and objectives are respected.

Serbia

34. Serbia indicated in its submission that its policy regarding culture is based on freedom of expression in cultural and artistic creativity, the autonomy of cultural entities, open access to cultural content for the public, respect for European cultural and democratic values, national tradition and diversity of cultural expression. The cultures of national minorities are considered to be an integral part of the national culture, and the objective is to foster all of them individually, as well as generally in the broader context.

35. The promulgation of the Law on the National Councils of National Minorities was significant in raising public awareness in Serbia regarding the preservation and promotion of minority cultures and languages. Minorities can now elect their own national councils, through which they exercise their right to self-determination in matters of culture, education, information and the official use of their languages and scripts. In terms of participation in decision-making on all issues of interest to national minorities, under the Law on Culture, the national councils representing national minorities implement their respective cultural policies and can participate in the decision-making process or take independent decisions on matters relating to their culture.

36. In relation to discrimination, including discrimination against minority groups, the submission referred to the Serbian strategy for prevention of and protection against discrimination, together with its dedicated action plan for the period 2014-2018, which seeks to address discrimination in a comprehensive manner. The strategy details interventions to eliminate discrimination, particularly against ethnic minorities, small religious communities, women, persons with disabilities and children.

37. Serbia pays special attention to international cooperation, particularly from the perspective of affirming, promoting and sharing cultural values. In this context, it issued an open call for applications to participate in a project for the translation of its major literary works into foreign languages. Serbia also facilitates participation in numerous festivals, visits and exchanges, particularly those organized under

bilateral cultural cooperation programmes, and has concluded many cooperation agreements in the fields of culture, education, science and sports with countries which are home to minority language populations.

Spain

38. In its response, Spain notes that, in accordance with the Spanish Constitution, the central Government and the autonomous communities are deeply committed to respecting cultural and linguistic pluralism. Cultural policy is decentralized and is therefore implemented by local entities, although the central authorities retain a coordinating role.

39. The legal and policy framework provides for the protection of minorities (under Statutes 2/2009 and 4/2000 on the rights and freedoms of non-citizens in Spain and their social integration), gender equality (under Statute 3/2007 on the equality of women and men), pluralism in the media, and intercultural activities at the international level. Furthermore, the Ministry of Education, Culture and Sport, in collaboration with other ministries, has developed plans and national strategies to promote tolerance and combat inequality, resulting in the Plan on Human Rights (2008), the Strategic Plan on Citizenship and Integration (2011-2014), the National Strategy for the Social Inclusion of Roma People in Spain (2012-2020) and the National Plan of Action for Social Inclusion (2013-2016). A number of institutions with a similar objective have been established, including the Spanish Observatory on Racism and Xenophobia, the Institute for Roma Culture and the Jewish People's Network of Spain.

40. The Constitution stipulates that the education system must strive for the full development of every human being and respect fundamental human rights and freedoms as well as the principles of democracy and harmony. Consequently, recent reforms of the education system, including the General Statute on Education (2006) and the General Statute on the Improvement of Quality in Education (2013), have promoted equality and non-discrimination and sought to enhance respect for different cultures. Within this broad policy framework, the Ministry of Education has launched specific initiatives to ensure social integration, equal opportunities and intercultural dialogue, including the establishment of the Resource Centre for Cultural Diversity and Education, the Programme on Portuguese Language and Culture and the Spanish-Moroccan Conference on Cultural Cooperation.

Venezuela (Bolivarian Republic of)

41. The submission of the Bolivarian Republic of Venezuela highlighted the constitutional recognition of cultural diversity, which defines the Venezuelan nation as multi-ethnic and multicultural. The Constitution also provides for the protection of emblematic national crafts and industries. The submission noted the importance of promoting the participation of indigenous peoples in public life and protecting indigenous culture. In this regard, the objective of the 2009 Statute on the Cultural Heritage of Peoples and Communities is to support the identification, preservation, restoration and dissemination of the cultural heritage of indigenous peoples and communities. The Organic Law on Culture seeks to protect cultural creativity

through the preservation of Spanish and the indigenous languages and the promotion of publications and popular culture.

42. The submission referred to various other initiatives, such as the Cultural Heritage Registry (a community-led process for the identification and registration of cultural information through a system of codification and archiving) and the "Cultural Mission: Heart Inside" project which is a multisectoral programme to incentivize popular participation and guarantee access to culture. The National System of Popular Culture, established in 2011, supports collaboration between the public institutions working in the area of culture and individual institutions involved in popular culture.

III. Summary of information received from the United Nations Educational, Scientific and Cultural Organization

43. UNESCO underscored the importance of preserving the rich diversity of cultures and of fostering their wide diffusion as an integral part of its efforts to contribute to lasting peace and security and to promote respect for human rights and fundamental freedoms. Considering that cultural diversity is "an essential requirement for sustainable development for the benefit of present and future generations",[1] UNESCO has advocated for the recognition of culture, including the diversity of cultural expressions, as an enabler and driver of sustainable development within the context of the negotiations for the post-2015 United Nations development agenda.

44. As the United Nations specialized agency with an explicit mandate for culture, UNESCO has focused its action on helping to safeguard and transmit cultural assets, practices and values, including those of minorities, thus reflecting the wide spectrum of cultures in its diversity, and on advocating for their integration into international law and national legislation, policies and programmes. To that end, it has encouraged the ratification of its international conventions, which reflect the wide spectrum of culture in its diversity, and provided technical support and policy advice for their implementation. In response to situations where cultural diversity is targeted during conflicts, UNESCO has mobilized the international community and its United Nations partners, denouncing those attacks as a violation of human rights, highlighting the links between culture and security and advocating for the integration of cultural heritage protection in United Nations peace-keeping and humanitarian operations.

45. A central part of the UNESCO agenda relates to the operationalization of Global Citizenship Education, in formal and non-formal systems, through policy guidelines, pedagogical guiding tools and curricula and regional workshops in order to foster solidarity, respect and mutual understanding. A milestone was the Second UNESCO Forum on Global Citizenship Education (Paris, 28-30 January 2015) under the theme "Building peaceful and sustainable societies: preparing for post-2015". Other important outputs related to the UNESCO Toolkit on revision/adaptation of curricula, school textbooks and other learning materials, the joint UNESCO-OHCHR booklet on the third phase of the World Programme for

[1] See article 2, para. 6, Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

Human Rights Education and the "Teaching Respect for All" tools, counteracting discrimination and violence in and through education.

46. UNESCO promotes freedom of expression and media development as enablers of freedom of cultural expression and access to cultural diversity for all. A syllabus published on intercultural journalism was aimed at influencing the curricula of schools of journalism and relevant educators. UNESCO organized the annual Media and Information Literacy and Intercultural Dialogue Week to foster citizens' awareness of media and information literacy as instruments to stimulate intercultural dialogue. The Week is a joint annual international initiative of UNESCO, the United Nations Alliance of Civilizations and the University Network Cooperation Programme on Media and Information Literacy and Intercultural Dialogue, and it is part of the Global Alliance for Partnerships on Media and Information Literacy, which has over 300 member organizations from all regions and cultures.

47. With a focus on city-level action, UNESCO promotes inclusion through its International Coalition of Cities against Racism — a 10-year old partnership furthering collaboration and the sharing of experiences. The promotion of the diverse range of cultural expressions and heritage of city dwellers as well as of interculturality in city life is among the commitments advanced by the International Coalition. UNESCO also conducted a training course on human rights mainstreaming in September 2014 in collaboration with the City of Graz for members of the European Coalition. It is currently reconsidering its strategy of engaging with local governments, prompted by the emphasis on city-level inclusion in the post-2015 United Nations development agenda as well as by discussions on the preparations for the 2016 United Nations Conference on Housing and Sustainable Urban Development — Habitat III.

IV. Conclusion

48. **The majority of the submissions received reflect on legal and policy frameworks and interventions aimed at identifying and protecting groups at particular risk and on initiatives to promote cultural sensitivity. Many stress the important role that intercultural exchanges at the local, national and international levels play in supporting these objectives. Inequality and discrimination are described as threatening societal cohesion and harmony. Crucially, there is broad recognition that combating inequality and discrimination is critical to upholding cultural diversity, with many submissions providing information on measures to raise the standard of living of indigenous communities and encourage their participation in cultural life.**